

MINUTES OF THE SPECIAL MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON WEDNESDAY, FEBRUARY 16, 2000.

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciarretta, Village Counsel
Richard Fon, Building Inspector
Brenda Livingston, Ad Hoc Planning Board Member
Florence Costello, Planning Board Clerk
Jan Blaire, Environmental Conservation Board
J&L Reporting Service for Westwood Development Associates
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 -- Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
00-03 -- Robert Clivilles (Amendment)
Legend Hollow, Lot #52
00-08 -- Edward & Aurora Tishelman
The Pond House

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #00-08: **Application of Edward & Aurora Tishelman for Waiver of Site Development Plan Approval for the Pond House.**

Mr. Tishelman appeared for himself. This Application had been carried over from the Board's February 9 meeting at which the Board requested that the Applicant provide the Board with evidence of action on the Application by the Environmental Conservation Board. The Chairman presented a letter dated February 14, 2000 from the ECB confirming that the ECB

has no objection to the Application. There were no public comments at the February 9 or February 16 meetings with respect to this Application.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship, and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Padraic Steinschneider and Charles Pateman appeared for the Applicant. The presentation and discussion was a continuation of the public hearings previously held on the Westwood Development project.

Mr. Steinschneider presented an alternate sketch plan of Tract A, dated February 9, 2000, of the proposed project. The revised sketch was intended to respond to issues raised by the Village Engineering Consultant, Mr. Mastromonaco, and comments made at the Planning Board's site walk on January 8, 2000. Mr. Mastromonaco delivered a letter to the Planning Board to confirm that the revised sketch addresses and minimizes all of his earlier objections to the plan of Tract A. Mr. Mastromonaco noted that the revised sketch now needs to be "fully engineered."

Mr. Steinschneider explained that the revised sketch (i) relocates an existing lot so that it now fronts along the high school property, (ii) eliminates use of the roadway to Marshall's Pond by up to six proposed dwellings, (iii) involves minor modifications to lot lines to enhance a "community relationship" among the houses with some shared walls and courtyards and cul de sacs and (iv) relocates the retention basin nearer to the entrance to Tract A.

The Chairman opened the meeting for public comment. Ms. Dooley of the Environmental Conservation Board emphasized the need for a substantial visual barrier to make the conservation easement effective, and the Board noted that the details will be the subject of due consideration as the plans are ultimately finalized.

There was a general discussion about the realignment of property lines between the Westwood and Augusto properties, and that the Augusto property might be the subject of a future subdivision application; further study of altering lot lines would be appropriate.

Steven Silverberg, a lawyer representing Dr. Alan Felix, noted the desire to extend the tree buffer line behind lots 7 & 8 and the Applicant indicated a willingness to extend the buffer.

In response to comments from the Chairman, there was a general consensus among those who made public comments that the revised sketch was an improvement over the current application.

The Chairman indicated that the next step would be for the Applicant to proceed with engineering details (grading, drainage, etc.) for the revised drawing and to provide more details on the grading of the retention basin. The Board scheduled a site walk for Tracts B and C on February 27, 2000 at 12:30 p.m. and continued the public hearing to the Board's March 1 meeting. A transcript of the public hearing was prepared and will be incorporated by reference into these Minutes.

IPB Matter #00-03:

Application of Robert Clivilles for Amendment of Plan as to which Waiver was previously granted at 18 Manor Pond Lane.

Craig A. Studer appeared for the Applicant. The purpose of the Application was to correct a violation of excavation and site work undertaken in connection with a previously approved site plan. Mr. Studer presented plans showing the walls brought back to the limits of disturbance set forth in the previously approved plans and the proposed pool within the previously-approved building envelope. There was a discussion of the proposed landscaping, and the Board encouraged the Applicant and Mr. Martin Seminatore, owner of 16 Beckett Close and who was present at the Meeting, to confer in an attempt to reach a mutually satisfactory landscaping plan. The Board noted that it would need written confirmation from Mr. Seminatore that the proposed revised plan was acceptable to him.

After discussion, the Board indicated that it would act favorably upon a resolution of a nature similar to the following:

RESOLVED, that, subject to satisfaction in all respects of each of the conditions set forth in the immediately following resolutions, the Application of Robert Clivilles for Amended

Site Plan Approval in respect of 18 Manor Pond Road, in accordance with the architectural drawings submitted by the Applicant (titled "Modified Site Plan for Pool and Site Grading" dated 7/1/98 last revised __/__/00, and "Illustrative Elevation and Cross Section Detail" dated 1/3/00 last revised __/__/00, prepared by Studer Design Associates and separate sheet labeled "Clivilles Residence Typical Fence Detail" undated) and incorporated by reference herein (as the same may hereafter be modified to reflect a relocation of a fence and landscaping referred to in the following resolution), is hereby approved to the end that all damages caused by Applicant beyond the previously approved limits of disturbance be rectified; and further

RESOLVED, that in no event shall the foregoing approval be of any force or effect unless and until (1) the Village Engineering Consultant shall have confirmed that he has no engineering concerns with the revised drawings, (2) the owner of 16 Beckett Close, Mr. Martin Seminatore, shall have confirmed in writing to the Planning Board, such writing to be in form and substance satisfactory to Village Counsel and such Board, that (x) he approves the revised drawings, together with any proposed landscaping as he and Applicant may hereafter deem necessary, (y) he authorizes the construction contemplated by such revised drawings to be undertaken by such contractor as Mr. Robert Clivilles may select, and (z) so long as construction is effected in accordance with the terms of such drawings, he accepts the remediation as approved by the Planning Board, and (3) a schedule of construction and inspection is finalized by and among the Applicant, the Village Building Inspector and the Village Engineering Consultant; and further

RESOLVED, that in no event may Applicant commence construction of the proposed pool, until the remediation work on 18 Manor Pond Lane, 16 Beckett Close and 17 Beckett Close (Setru) is completed in all material respects, as set forth in such revised drawings and as described in these Resolutions and the Village Building Inspector confirms in writing that construction of such pool may commence.

The Board carried over action on this matter to its March meeting, noting that it would need further documentation from both the Applicant and Mr. Seminatore prior to voting on the application.

The Board then considered the following administrative matters:

- Minutes of the Planning Board (Special Meeting) held on December 8, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for March 1, 2000.
- The Planning Board scheduled a site walk for the Westwood Development matter for Sunday, February 27, 2000 at 12:30 p.m.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary